

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILMINGTON SAVINGS FUND
SOCIETY, FSB, as Trustee for *Premium
Mortgage Acquisition Trust, d/b/a Christiana
Trust,*

Plaintiff,

v.

FARAH PETION; and DIANE ATTANASIO

Defendants.

No. 19-CV-11801 (KMK)

ORDER TO SHOW CAUSE

KENNETH M. KARAS, United States District Judge:

On February 5, 2020, Plaintiff applied for Certificates of Default from the Clerk of Court.

The Clerk of Court subsequently issued Certificates of Default. (See Dkt. Nos. 15–16.)

However, in order for the Court to schedule a default hearing and issue a default judgment,

Plaintiff must file a number of other papers in addition to the Certificate of Default, including (1) a statement of damages; (2) an attorney's affidavit setting forth (i) why a default judgment is appropriate, including a description of the method and date of service of the original summons and Complaint, (ii) whether, if the default is applicable to fewer than all Defendants, the Court may appropriately order a default judgment on the issue of liability and/or damages prior to the resolution of the entire Action, (iii) the proposed damages and the basis for each element of damages including interest, attorney's fees, and costs, and (iv) legal authority for why an inquest would be unnecessary; (3) copies of all pleadings; and (4) a copy of the affidavit of service of the original summons and Complaint. (See The Honorable Kenneth M. Karas's Individual Rules of Practice for Default Judgment Proceedings, dated August 14, 2019.) Some or all of these

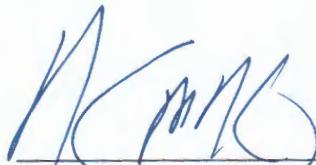
required papers have not been filed, and the Action is unable to proceed to a default hearing or judgment without them.

Accordingly, it is hereby:

ORDERED that Plaintiff shall file the materials referenced above within 30 days of the date of this Order. *See Armstrong v. Guccione*, 470 F.3d 89, 103 n.1 (2d Cir. 2006) (noting that “a federal district court has the inherent power to dismiss a case *sua sponte* for failure to prosecute” (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626 630–32 (1962))). The Court may dismiss this case without further notice in the event that the papers are not filed or good cause for any delay is not shown.

SO ORDERED.

DATED: March 12, 2020
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE